

Attachment 6

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

RURAL ELECTRIC CONVENIENCE)
COOPERATIVE CO., and SOYLAND)
POWER COOPERATIVE, INC.,)

Complainants,)

vs.)

DOCKET NO. 01-0675

CENTRAL ILLINOIS PUBLIC SERVICE)
COMPANY d/b/a AMEREN CIPS,)

Respondent.)

**ANSWERS OF RURAL ELECTRIC CONVENIENCE COOPERATIVE CO. TO
FREEMAN UNITED COAL MINING COMPANY DATA REQUEST**

RURAL ELECTRIC CONVENIENCE COOPERATIVE CO. (RREC), Plaintiff, by its attorneys, GROSBOLL, BECKER, TICE & REIF, Jerry Tice as Counsel in answer to the Data Request filed by FREEMAN UNITED COAL MINING COMPANY states as follows:

Freeman DR 1

On July 2, 1965, did RECC own facilities in its service territory capable of delivering 34.5 KV? If the answer is "yes", identify the facilities.

Answer:

RECC owned facilities on July 2, 1965 on the premises of Edgar Arnold and upon which premises the Freeman Lime Injection/Airshaft is located, which are adequate or can be made adequate to provide electric service to the lime injection/airshaft. Such facilities consisted of 12.5 KV lines and if not adequate to provide such service can be made adequate to provide such service. In addition, RECC has contracts with Soyland Power Cooperative, Inc. and its predecessor Western Illinois Power Cooperative (WIPCO) for access to 34.5 KV lines and facilities.

Freeman DR 2

On July 2, 1965, did RECC have access to facilities in its service territory capable of delivering 34.5 KV? If the answer is "yes", identify the facilities.

Answer:

See answer to Data Request #1.

Freeman DR 3

Produce a copy of the agreement between AMEREN Energy Marketing and Continental Cooperative Services regarding power purchasing that takes effect on January 1, 2003.

Answer:

RECC objects to Data Request #3 for the reason that the wholesale power contract agreement between AMEREN Energy Marketing and Continental Cooperative Services is between entities one of which is not a party to this proceeding and therefore RECC is unable to provide such contract. Further, RECC objects to such data request for the reason that it calls for confidential and/or proprietary information and a proposed proprietary and confidentiality agreement has not been entered into between the parties and Continental Cooperative Services at this time. RECC further objects to Data Request #3 for the reason that it does not request relevant documents or documents that may produce relevant information.

Freeman DR 4

During the time of the "All Requirements Power Contract" alleged in par. 6 of Count I, was Soyland generating from its owned and operated generators all the capacity and energy required by RECC from April 9, 1969 to the present? If not, what entity was providing any additional capacity and energy required by RECC from April 9, 1969 to the present?

Answer:

No. WIPCO/Soyland provided all additional capacity and energy required by RECC to service customers from April 9, 1969 to the present time. Such cooperatives have access to sufficient capacity to satisfy the energy demands of RECC.

Freeman DR 5

Produce all documents relating to the Service Area Agreement between RECC and CIPS that indicate that some or all of the benefits of the Service Area Agreement are to be provided to Soyland.

Answer:

RECC has already provided as a part of the Complaint on file in this matter the all requirements contract entitled "Wholesale Power Contract - Federated Cooperative Bid of January 7, 1963" and all attachments thereto which require WIPCO and its successor, Soyland, to

provide all energy needs to RECC to serve all customers within the service territory designated to be served by RECC under the Service Area Agreement between RECC and CIPS. Further, RECC objects to such request for the reason Soyland is not a party to these proceedings.

Freeman DR 6

Produce all documents that relate to Soyland as a "direct and intended third-party beneficiary" of the Service Area Agreement between RECC and CIPS as alleged in Count I.

Answer:

See answer to Data Request #5.

Freeman DR 7

Provide the pricing and revenue calculations that have been used to calculate the "income" which RECC claims it has a right to receive under Counts II through VI.

Answer:

RECC objects to Data Request No. 7 for the reason that rates and revenue are not relevant issues in the territorial dispute at issue. Without waiving such objection, RECC states it has requested all data necessary to make the calculations for pricing and revenue calculations with regard to electric service for the lime injection/airshaft of Freeman located on the Edgar Arnold premises. However, Freeman Mine has failed to produce such information.

Freeman DR 8

Identify the location of the 34.5 KV or higher lines that are the closest to the Arnold premises that RECC has access to in order to provide service to Freeman at this time.

Answer:

RECC has access to the CIPS Farmersville/Girard 34.5 KV lines to provide such service. RECC has access to a Soyland 34.5 KV line connected to an Illinois Power Company 69 KV line serving the Honey Bend sub-station south of Carlinville. In addition, the RECC 7.24 KV line located on the Edgar Arnold premises on July 2, 1965 is the closest facility of any electric supplier to the lime injection/airshaft of Freeman. RECC is authorized to upgrade that line to provide electric service to the mine shaft. See the attached map reflecting lines of facilities of RECC or to which RECC had access identified as existing on July 2, 1965 in relationship to the lime injection/airshaft of Freeman on the Edgar Arnold premises. All of the foregoing facilities are identified on the attached map marked answer Data Request #8.

Freeman DR 9

Indicate geographically, the power line that RECC either owns or has access to that has 34.5 KV or higher line capacity that is nearest the Freeman Crown III Mine lime injection air shaft located under the Arnold premises.

Answer:

See answer to Data Request #8.

Freeman DR 10

Produce a list of the facilities and ages of the facilities that RECC alleges in Count III, paragraph 6, and Count IV, paragraph 16 that it has invested in sufficient to produce service in a dependable manner and to serve electrical loads required to be served from 34.5 KV or higher lines which are geographically closest to the Freeman Crown III Mine lime injection air shaft referred to in the Complaint.

Answer:

See map attached herein to Data Request #8.

Freeman DR 11

Identify the level of electrical services in terms of voltage provided to the Arnold premises as of April 9, 1969.

Answer:

Single phase 7.24 KV.

Freeman DR 12

Identify the level of electrical service in terms of voltage provided to the Arnold premises as of April 9, 1969.

Answer:

Single phase 7.24 KV.

Freeman DR 13

Produce all documents which indicate RECC's lines and facilities or authority to connect to lines and facilities existing on July 2, 1965 were in closer proximity to the Arnold premises and the facilities of the Freeman lime injection shaft than CIPS' facilities as alleged in paragraph

17 of Count IV.

Answer:

The RECC 7.24 KV line located on the Edgar Arnold premises on July 2, 1965 is the closest facility of any electric supplier to the lime injection/airshaft of Freeman. RECC is authorized to upgrade that line to provide electric service to the mine shaft. See the attached map reflecting lines of facilities of RECC or to which RECC had access identified as existing on July 2, 1965 in relationship to the lime injection/airshaft of Freeman on the Edgar Arnold premises as responsive to Data Request No. 8.

Freeman DR 14

Describe in detail and produce all documents that indicate how RECC has greatly assisted in creating the demand for the proposed service to the Freeman Crown III Mine as alleged in Count IV, paragraph 20.

Answer:

RECC has served an extensive number of customers in or around the Edgar Arnold premises since 1939, all as shown on the attached map marked "Response to Request #14". Further, RECC is engaged in economic development in the area through the services of Soyland who provides economic development assistance to RECC for prospective consumers. Further, Illinois cooperatives have made extensive use of Illinois coal and have purchased the coal from Freeman United Coal Mining Company for use at the Pearl, Illinois generation plant owned initially by Western Illinois Power Cooperative (WIPCO) and now by Soyland. The amount of Illinois coal burned by Illinois cooperatives is approximately 900,000 tons per year. This amount includes approximately 100,000 tons of Illinois coal burned by the Pearl, Illinois generation plant per year which coal was purchased from Freeman United Coal Mining Company for the years 1999, 2000 and 2001.

Freeman DR 15

Produce all documents related to any line and/or authority which RECC has to connect to a line having a voltage of 34.5 KV or higher which the anticipated electrical load of Freeman's Crown III Mine (lime injection/airshaft) may be connected to [the Freeman Crown III lime injection air shaft] in accordance with accepted engineering practices.

Answer:

RECC has not been provided with the necessary data by Freeman to determine the anticipated electrical load of Freeman's lime injection/airshaft and therefore has not been able to determine what line is a proper line to connect the electric load to in accordance with accepted engineering practices. However, RECC has provided information regarding facilities that it either owns or has access to in response to Requests #8, 9, 10 and 13.

Freeman DR 16

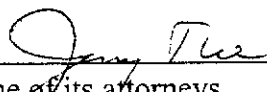
Produce the "All Requirements Power Contract" referred to in paragraph 6 of Count I.

Answer:

See the Contract attached as Exhibit 3 to the Complaint filed in this matter.

RURAL ELECTRIC CONVENIENCE
COOPERATIVE CO., Complainant

By: GROSBOLL, BECKER, TICE & REIF

By: 
One of its attorneys

GROSBOLL, BECKER, TICE & REIF
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101 E. Douglas
Petersburg, IL 62675
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answerdatareqfreeman675 jirecc

PROOF OF SERVICE

I, JERRY TICE, hereby certify that on the 1 day of CCA, 2002, I deposited
in the United States mail at the post office at Petersburg, Illinois, postage fully paid, a copy of
the document attached hereto and incorporated herein, addressed to the following persons at
the addresses set opposite their names:

Mr. Scott Helmholz
Sorling, Northrup, Hanna
Cullen & Cochran Ltd.
Suite 800 Ill. Bldg.
607 E. Adams
P.O. Box 5131
Springfield, IL 62705

Gary L. Smith
Loewenstein, Hagen & Smith P.C.
1204 S. 4th St.
Springfield, IL 62703

A handwritten signature in cursive script, appearing to read "Jerry Tice", is written over a horizontal line.

